

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GERALD L. RABBITT,

Plaintiff,

CIVIL CASE NO. 05-00029

v.

CORNERSTONE UNIVERSITY, et al.,

HONORABLE PAUL V. GADOLA  
U.S. DISTRICT COURT

Defendants.

**ORDER GRANTING DEFENDANTS' MOTIONS TO DISMISS IN PART AND  
PLAINTIFF'S MOTION TO REMAND IN PART.**

Before the court are three motions to dismiss by Defendants: Defendants Cornerstone University, Cornerstone University Board of Trustees, William Luurtesema, Robert Holmes Bell, Rex M. Rogers, Robert W. Nienhuis, Timothy J. Detwiler, and Jeffery Herman's motion, filed March 18, 2005; Defendant Pamela C. Enslen's motion, filed April 29, 2005; and Defendant Scott Dwyer's motion, filed May 5, 2005. Also before the court is Plaintiff Gerald L. Rabbitt's motion to remand filed May 19, 2005. For the reasons stated below, the Court will grant Defendants' motions to dismiss in part and grant Plaintiff's motion to remand in part.

Plaintiff, filed this, his second complaint against Defendants, on January 24, 2005 in the Kent County Circuit Court. Plaintiff filed his first complaint, no. 1:04-cv-00003-PVG, in the United States District Court for the Western District of Michigan on January 2, 2004. While this second, newly amended complaint is 343 pages long, and is filled with Plaintiff's exhaustive rendition of the factual background and supporting evidence, it contains, in essence, the same claims as his first

complaint, filed in January 2004. That first complaint was originally assigned to a Judge of the Western District. However, due to Plaintiff's allegations of bias among the judges of the Western District, the case was reassigned to the Honorable Paul V. Gadola, to preside in the Western District in their stead.

The Court declined to exercise supplemental jurisdiction over the state law claims in Plaintiff's original complaint and dismissed those claims without prejudice on May 10, 2004. Later, on October 19, 2004, still concerned with Plaintiff's original complaint, the Court granted Defendants' motion to dismiss and dismissed all of Plaintiff's remaining federal claims with prejudice. The court concluded relief could not be granted because Plaintiff's federal claims were time barred.

Now, "[u]nder the doctrine of the law of the case, a decision on an issue made by a court at one stage of a case should be given effect in successive stages of the same litigation. This doctrine applies with equal vigor to the decisions of a coordinate court in the same case and to a court's own decisions." *United States v. Todd*, 920 F.2d 399, 403 (6th Cir. 1990) (citations omitted). Here, this Court previously dismissed Plaintiff's state law claims without prejudice and Plaintiff's federal law claims with prejudice in 2004. Therefore, the law of the case doctrine demands this court acknowledge and honor its previous decision to dismiss. Furthermore, the doctrine of res judicata applies here. *See generally, Franklin V. City of Pontiac*, 887 F.Supp. 978 (1995).

**ACCORDINGLY, IT IS HEREBY ORDERED** that Defendants' motions to dismiss [docket entries 4, 13 & 15] are **GRANTED IN PART** and all of Plaintiff's federal law claims are **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that Plaintiff's motion to remand [docket entry 18] is **GRANTED IN PART** and Plaintiff's state law claims are **REMANDED** to the Circuit Court for the County of Kent.

**SO ORDERED.**

Dated: January 30, 2006

s/Paul V. Gadola  
HONORABLE PAUL V. GADOLA  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on January 31, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Pamela C. Enslen; Roger F. Wardle; Sharon M. Woods, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

Gerald L. Rabbitt.

s/Ruth A. Brissaud  
Ruth A. Brissaud, Case Manager  
(810) 341-7845